



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**APR 17 2007**

REPLY TO THE ATTENTION OF

R19-J

Honorable Fred Upton  
House of Representatives  
Washington, DC 20515-2206

Dear Congressman Upton:

Thank you for your March 26, 2007 letter regarding the planned Time-Critical Removal Action ("TCRA") at the former Plainwell Impoundment in the Allied Paper, Inc./Portage Creek/Kalamazoo River Superfund Site. In your letter, you expressed concern about the lack of public involvement in the removal decision and potential impacts to the City of Kalamazoo's drinking water supply. You also requested that the placement of the Plainwell Impoundment materials be delayed until May 1, 2007, to allow for greater public input and to address the concerns raised by local officials and citizens in the greater Kalamazoo area. A response to the community concerns identified in your letter can be found in the enclosure to this letter.

As my staff informed your office on April 12, 2007, the United States Environmental Protection Agency (U.S. EPA) decided to delay the start of the TCRA at the former Plainwell Impoundment until May 5, 2007. This will allow U.S. EPA, in consultation with the Michigan Department of Environmental Quality (MDEQ), to seek community input on the plans to dispose of PCB-contaminated materials excavated during the TCRA. U.S. EPA and MDEQ officials are scheduled to meet again with Kalamazoo officials on April 18, 2007. While we are confident that the cleanup and placement of the Plainwell Impoundment materials at the Allied Paper Landfill (Landfill) is safe and effective, we also recognize the need to take additional steps to earn the community's confidence.

Please be aware that U.S. EPA also met with several City of Kalamazoo technical and elected officials on April 2, 2007 to discuss the TCRA. This meeting was open to the public. Additionally, U.S. EPA is in the process of scheduling meetings to talk with individuals in the neighborhoods surrounding the Landfill. My staff will continue to work with the City of Kalamazoo and the neighborhoods surrounding the Landfill to ensure that all parties are presented with accurate factual information, and to help them understand the importance of the TCRA in eliminating this significant source of PCBs to the Kalamazoo River.

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Again, thank you for your letter. If you have any further questions, please contact me or your staff may contact Mary Canavan or Phil Hoffman, the Region 5 Congressional Liaisons at (312) 886-3000.

Sincerely,



Mary A. Gade  
Regional Administrator

Enclosure

cc: Honorable Hannah McKinney, Mayor, City of Kalamazoo  
Steven Chester, Director, MDEQ  
Jim Sygo, MDEQ  
Andy Hogarth, MDEQ  
Daria Devantier, MDEQ  
Paul Bucholtz, MDEQ

## **Enclosure**

*Why is the placement of the Plainwell Impoundment materials at the Allied Paper Landfill safe?*

### Background

The Allied Paper Landfill ("Landfill") has existed for more than 50 years and contains approximately 1 million cubic yards of PCB-contaminated materials generated by the paper recycling operations at the former Allied Paper mills located in Kalamazoo. The Landfill is divided into several areas. In 1966, one area of the Landfill was originally licensed as a landfill to receive non-process waste. In 1978, this area was licensed as a Type II Landfill and later designated as a Type III Landfill to receive paper residuals and demolition wastes. The Type III landfill is no longer permitted by the state and no longer receives industrial or paper residual material. The other areas within the Landfill were used in the 1950's as dewatering lagoons for process paper residual waste generated by the former Allied Paper mills. These lagoons or disposal areas were not permitted because the disposal of PCB-contaminated residuals occurred prior to the promulgation of the Toxic Substances Control Act (TSCA) regulations. Today, under TSCA regulations, the Superfund program must consult with the TSCA program prior to on-site disposal of PCB-containing material in concentrations greater than or equal to 50 ppm PCB.

In 1999, the Superfund program conducted a time critical removal action ("TCRA") at the Bryant Mill Pond which is adjacent to the Allied Paper mill. The TCRA included the removal of approximately 150,000 cubic yards of PCB-contaminated materials and placement of the materials at the Landfill in an area called the FRDL#3. The paper residuals within the FRDL#3 were tested and the permeability calculated. Based on this information, the Superfund program consulted with the TSCA program. The TSCA and Superfund programs agreed that the placement of the Bryant Mill Pond residuals did not present an unreasonable risk of injury to health or the environment.

### The Planned TCRA

The Plainwell Impoundment is the most significant upstream source of PCB contamination to the Kalamazoo River site. This action includes the removal of approximately 132,000 cubic yards of PCB-contaminated paper residuals, sediments and soils ("materials") from the Kalamazoo River and placement of the materials into the Landfill located in Kalamazoo. The Landfill is one of four on-site landfills that are part of the site.

As a part of the TCRA, U.S. EPA is allowing the placement of the Plainwell Impoundment materials at the Allied Paper Landfill ("Landfill") because site conditions indicate that the addition of these materials will not substantially modify conditions at the Landfill. U.S. EPA believes that the materials will be managed safely at the Landfill.

The Plainwell Impoundment material will be placed on top of the existing paper residuals at the Western Disposal Area within the Landfill. Placement of the Plainwell Impoundment materials in this area is not harmful because:

- The area where the Plainwell Impoundment material will be disposed is outside the 100 year floodplain.
- The Plainwell Impoundment materials will be placed on top of existing paper residuals. The paper residuals, which are made of very dense clay and fiber, are up to 20 feet deep within the Western Disposal Area and were originally from FRDL#3. The permeability of the paper residuals was calculated to be  $2.94 \times 10^{-7}$  to  $3.82 \times 10^{-8}$  centimeter/second, which means water moves very, very slowly through this material.
- Since the time of the permeability tests, paper residuals in the Western Disposal Area are likely to have remained impermeable because the residuals have compacted over time.

As a part of the TCRA, water resulting from settlement of the Plainwell Impoundment materials and storm water that may collect in the area will be collected in temporary sediment basins. The collected water will be treated with carbon prior to discharging to the City of Kalamazoo's waste water treatment plant.

A temporary cover, consisting of one foot of soil with vegetation, will be placed over the Plainwell Impoundment materials at the completion of the TCRA. This cover will prevent any erosion of or direct contact with any of the materials from the Plainwell Impoundment until a final cleanup decision is made. A final cleanup decision will be made for the Landfill after U.S. EPA approves the Remedial Investigation, completes its Feasibility Study ("RI/FS") for the Landfill, and a Proposed Plan is made available for public comment.

In addition, there is no reason to believe there is any threat of contamination to the City of Kalamazoo's drinking water supply wells from the Landfill. Groundwater monitoring has been occurring at the Landfill for a number of years. Based on all available data, groundwater does not travel toward the City of Kalamazoo's drinking water supply wells. Instead, all of the groundwater flow information gathered to date indicates that groundwater underneath the Landfill travels toward and discharges to Portage Creek.

The majority of the Landfill has a groundwater collection system along Portage Creek in front of a sheet pile wall. Groundwater that is collected by this system is treated with carbon prior to discharging to the City of Kalamazoo's waste water treatment plant. No PCBs have been detected coming out of the groundwater capture zone, and no PCBs have been detected after carbon treatment prior to discharging to the City of Kalamazoo's waste water treatment plant.

*What is the role of the public in settlement negotiations?*

As you may already know, the United States Environmental Protection Agency (“U.S. EPA”) and several other parties recently concluded mediated settlement negotiations for the Site. These types of negotiations are considered settlement negotiations and as such are not open to the public.

*Why conduct a TCRA?*

U.S. EPA concluded that a TCRA should be conducted at the Plainwell Impoundment in light of the following information:

- Sampling data collected in 2006 which identified the presence of PCB concentrations greater than 50 ppm in three localized hot spots in river sediments with the maximum PCB concentration being 220 ppm.
- Available site data indicating that bank and floodplain soils contain areas with PCB concentrations greater than 50 ppm.
- Significant uncontrolled erosion occurring at the Plainwell Impoundment, which causes undercutting of contaminated banks that then fall into the river.

**FRED UPTON**

6TH DISTRICT, MICHIGAN

**ENERGY AND COMMERCE  
COMMITTEE**CHAIRMAN, TELECOMMUNICATIONS  
AND THE INTERNET SUBCOMMITTEECOMMERCE, TRADE AND CONSUMER  
PROTECTION SUBCOMMITTEE

HEALTH SUBCOMMITTEE

**Congress of the United States  
House of Representatives**

March 26, 2007

- ☐ **DC OFFICE:**  
2183 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-2208  
(202) 225-3781  
FAX: (202) 225-4988
- ☐ **MICHIGAN HOME OFFICE:**  
157 SOUTH KALAMAZOO MALL, SUITE 180  
KALAMAZOO, MI 49007  
(269) 385-0039  
FAX: (269) 385-2888
- ☐ **800 CENTRE, SUITE 108**  
800 SHOP STREET  
ST. JOSEPH, MI 48085  
(269) 982-1888  
FAX: (269) 982-0227
- [www.house.gov/upton](http://www.house.gov/upton)  
E-MAIL: [frupton@mail.house.gov](mailto:frupton@mail.house.gov)

Ms. Mary Gade  
Administrator  
Region V  
United States Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Dear Administrator Gade:

I write to express my strong concern regarding the recent agreement between the EPA, Michigan's Department of Environmental Quality, Georgia Pacific, Millennium Holdings and others pertaining to the cleanup of the Allied Paper/Portage Creek/Kalamazoo River Superfund site. That agreement dictates that the PCB-containing sediment resulting from the cleanup in Plainwell will be stored at the Allied Paper Inc. landfill in Kalamazoo. Though I am pleased to see that the cleanup of the Kalamazoo River is progressing, I am quite concerned about the impact of storing contaminated sediment within the Kalamazoo city limits and adjacent to several densely-populated neighborhoods.

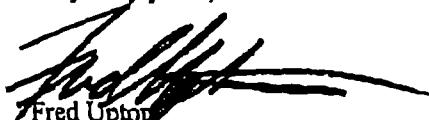
I have been contacted by numerous local officials and citizens from the city of Kalamazoo expressing concern that the proposed storage site could possibly contaminate aquifers that provide drinking water to over 100,000 citizens in the greater Kalamazoo area. I share their concerns and am also alarmed that the closed-door nature of the negotiations leading to the agreement did not allow these issues to be publicly addressed. City officials have every right to harbor reservations about the impact on the environment and potential risks to the water that they drink.

It is my understanding that the parties involved with the agreement plan on holding meetings with Kalamazoo officials and other interested parties in early April. It is also my understanding that the transportation of sediment to the Allied Paper site is scheduled to begin on April 1<sup>st</sup>. It would be good policy to convene the meetings with Kalamazoo prior to the movement of the contaminated sediment.

I would like to respectfully ask you to consider delaying the transfer of the sediment for one month, to May 1<sup>st</sup>, in order to allow for greater public disclosure and comment and to ensure that the concerns can be adequately addressed.

Thank you for your attention to this matter. I look forward to your prompt response.

Very truly yours,

  
Fred Upton  
Member of Congress

Cc: Steven Chester, Director, Michigan DEQ  
Mary Canavan, United States Environmental Protection Agency  
Hon. Hannah McKinney, Mayor, City of Kalamazoo